

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 371 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA Sd/-

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

Nos. 1 to 5 No.

AMTHABHAI DHANJIBHAI

Versus

SUBHASCHNADRA C DALWADI

Appearance:

MR DHARMESH V SHAH for Petitioner
MR MB GANDHI for Respondent No. 1

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 23/06/98

ORAL JUDGEMENT

Mr.D.V.Shah, learned Counsel appearing for revisionist and Mr.M.B.Gandhi, lerned Counsel appearing for the respondent have been heard and the judgments of the two Courts below have been perused.

Brief facts are that the suit for eviction of the revisionist was filed by the respondent on the grounds on being arrears in rent was more than six months and not paying the same after service of notice as required under

section 12(2) of the Bombay Rent Act.

The revisionist in his written statement raised dispute regarding standard rent and contended that the standard rent was Rs.4/_ p.m. and not Rs.5.50 p.m.

The Trial Court found that no bonafide dispute regarding standard rent existed in this case and the stand of the tenant-revisionist was therefore disbelieved and it was held that the standard rent was Rs.5.50 p.m. The Trial Court further found that other conditions of section 12 (3) (a) of the Bombay Rent Act were satisfied. Hence the decree for eviction and arrears of rent etc. was passed against the revisionist. The Appeal was preferred which was dismissed and the judgment and decree of the Trial Court was confirmed. It is therefore this revision.

Since there is concurrent finding of the two Courts below that the so called dispute about the standard rent raised by the revisionist was not bonafide dispute both the Courts have been justified in coming to the conclusion that other requirements of section 12(3)(a) of the Bombay Rent Act were fully satisfied. Decree passed by the two Courts below is therefore in accordance with law. Hence no interference in this revision is called for. Revision is therefore dismissed. No order as to costs.

sd/-

(D.C.Srivastava, J)
